

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DECISION AND ORDER  
00-CR-189A

JAMES CHARLES KOPP,

Defendant.

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On January 25, 2007, defendant James Charles Kopp was found guilty by a jury following trial on both counts of the instant indictment. On January 31, 2007, defendant, who is proceeding *pro se*, filed a motion asking for the following relief: (1) a new trial based on a lack of unanimous verdict, or in the alternative, that the Court resequence the jury until such time that it renders an “unequivocally unanimous” verdict; (2) that the Court allow defendant to depose trial jurors 4 and 11; and (3) that the parties be prohibited from making *ex parte* contact with any of the jurors. On January 31, 2007, the Court issued a text order requiring the government to submit a response to defendant’s motion and setting oral argument on the motion for March 5, 2007.

On February 6, 2007, defendant filed a “Notice of Appeal” appealing the verdict. He also requests that he be provided with a transcript of the entire case and assistance of counsel for his appeal.

On February 13, 2007, defendant filed a request for a 60-day extension to file papers regarding his motion for a new trial. He also reiterates his request for the trial transcripts.

Also on February 13, 2007, the government filed a response to defendant's motion for a new trial.

After reviewing the parties' submissions, the Court: (1) denies defendant's request to depose trial jurors 4 and 11; (2) denies defendant's request that all parties be prohibited from making *ex parte* contact with the trial jurors; (3) denies, without prejudice, defendant's request for the entire trial transcript because such request is premature (defendant may renew this request following sentencing and the entry of judgment); and (4) denies, without prejudice, defendant's request for assistance of counsel on his appeal as such request must be made to the Second Circuit Court of Appeals following sentencing and the entry of judgment (if defendant wants assistance of counsel related to his post-trial motion or sentencing, he may file a motion requesting such relief).

The Court also grants defendant's request for an extension of time to file papers related to his motion for a new trial. Defendant's papers shall be filed by May 4, 2007. No further extension shall be granted. The government may file any response by May 14, 2007. Oral argument on the motion shall be held on May 17, 2007, at 9:00 a.m. As soon as possible, the government shall order the

transcripts of all proceedings in this case held on January 24 and 25, 2007, following the time the jury retired to deliberate, and provide copies of such transcripts to the defendant.

The Court reminds the defendant that sentencing in this case is scheduled for June 19, 2007, at 12:30 p.m., and that the Court has set a submission schedule regarding sentencing. Absent the Court granting defendant's request for a new trial, these dates will not be adjourned or extended for any reason, other than the Court's schedule. Thus, defendant should continue to prepare for sentencing accordingly.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: February 14, 2007